

# **EXHIBIT RR**

# Estate of Ronald Wolken

# VCF Documentation



September 11th  
Victim Compensation Fund

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September 14, 2018

ANNE DIERKING  
106-20 SHORE FRONT PARKWAY 10H  
ROCKAWAY PARK NY 11694

Dear ANNE DIERKING:

The September 11th Victim Compensation Fund ("VCF") has reviewed your Eligibility Form. You submitted an Eligibility Form on behalf of RONALD WOLKEN. Your claim number is VCF0108327. Your Eligibility Form was determined to be substantially complete on September 13, 2018. As stated in the Regulations and on the claim form, by filing a substantially complete Eligibility Form, you have waived your right to file or be a party to a September 11th-related lawsuit on behalf of the decedent and his or her survivors.

#### **The Decision on your Claim**

The VCF has determined that the decedent has met the eligibility criteria established in the statute and regulations. Based on the information you submitted and information the VCF has received from the World Trade Center ("WTC") Health Program, the decedent has been found eligible for the following injuries:

- CHRONIC RHINITIS
- MALIGNANT NEOPLASM UNS PART UNS BRONCHUS/LUNG

Please note that there are several reasons why an injury that you think should be eligible is not listed above. For non-traumatic injuries, the name of the injury is based on the information provided by the WTC Health Program and there may be different names for the same injury. Additionally, your injury may not be listed if it was only recently certified for treatment by the WTC Health Program.

If in the future the WTC Health Program should notify you that a condition previously found eligible is no longer certified, you must inform the VCF as this may affect your eligibility status and/or the amount of your award.

#### **What Happens Next**

**If the decedent was certified for treatment by the WTC Health Program for a condition not listed above**, you should amend your claim. Please see the VCF website for details on how to amend your claim. The VCF will review the new information and determine if it provides the basis for a revised decision.

**If you believe the decedent had eligible injuries not treated by the WTC Health Program** and you would like the VCF to consider those injuries before calculating the amount of any compensation, you should amend your claim. If you choose to amend your claim, you will need to use the VCF Private Physician process. The Private Physician process is a way for the VCF



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to gather the required information about the decedent's treatment in order to process your claim. All forms are available on the VCF website under "Forms and Resources." The website also includes detailed information and instructions on the Private Physician process.

**If the decedent did not have injuries other than those listed above,** you should submit your Compensation Form and required supporting materials. If you have already submitted your Compensation Form, you do not need to take any action at this time unless you receive a request from the VCF for missing information. The VCF will calculate the amount of any compensation based on the conditions listed above after all compensation-related documents are submitted.

If you have questions about the information in this letter or the claims process in general, please call our toll-free Helpline at 1-855-885-1555. For the hearing impaired, please call 1-855-885-1558 (TDD). If you are calling from outside the United States, please call 1-202-514-1100.

Sincerely,

Rupa Bhattacharyya  
Special Master  
September 11th Victim Compensation Fund

cc: WENDELL TONG



September 11th  
Victim Compensation Fund

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January 15, 2021

ANNE DIERKING  
106-20 SHORE FRONT PARKWAY 10H  
ROCKAWAY PARK NY 11694

**Re: CLAIM NUMBER: VCF0108327**

Dear ANNE DIERKING:

The September 11th Victim Compensation Fund ("VCF") sent you a letter on December 19, 2018 notifying you of the award determination on your claim.

You then amended your claim to request additional losses. The VCF has considered your amended claim and reviewed the new information you provided. This letter sets forth the revised award and supersedes and replaces all previous letters.

After reviewing the responses in your claim form, the documents you submitted in support of your claim, and information from third-party entities, the VCF has calculated the amount of your award as **\$629,345.07**. This determination is in accordance with the requirements of the Never Forget the Heroes: James Zadroga, Ray Pfeifer, and Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act ("VCF Permanent Authorization Act"). The enclosed "Award Detail" includes a detailed explanation of the calculation and a list of the eligible conditions that were considered when calculating your award.

No non-routine legal service expenses are approved for reimbursement for this claim.

As the Personal Representative, you are required to distribute any payment received from the VCF on behalf of the victim to the eligible survivors or other recipients in accordance with the applicable state law or any applicable ruling made by a court of competent jurisdiction or as provided by the Special Master.

**What Happens Next**

You have already received a payment of \$593,598.07. You are now entitled to an additional payment of **\$35,747.00**. This amount is equal to the difference between your revised total award and the amount that has already been paid on your claim.

The VCF will deem this award to be final and will begin processing the full payment on your claim unless you complete and return the enclosed Compensation Appeal Request Form within **30 days from the date of this letter** as explained below. If you do not appeal, the Special Master will authorize the payment on your claim within 20 days of the end of the 30-day appeal period. Once the Special Master has authorized the payment, it may take up to three weeks for the United States Treasury to disburse the money into the bank account designated on the VCF ACH Payment Information Form or other payment authorization



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document you submitted to the VCF.

- **Appealing the Award:** You may request a hearing before the Special Master or her designee if you believe the amount of your award was erroneously calculated, or if you believe you can demonstrate extraordinary circumstances indicating that the calculation does not adequately address your loss. **If you choose to appeal, your payment will not be processed until your hearing has been held and a decision has been rendered on your appeal.**

To appeal the award, you must complete two steps by the required deadlines:

1. Complete and return the enclosed **Compensation Appeal Request Form** within **30 days from the date of this letter**. Follow the instructions on the form and upload it to your claim or mail it to the VCF by the required deadline. If you do not submit your completed Compensation Appeal Request Form within 30 days of the date of this letter, *you will have waived your right to an appeal* and the VCF will begin processing any payment due on your claim.
2. Complete and submit your **Compensation Appeal Package** (Pre-Hearing Questionnaire, Compensation Explanation of Appeal, and all applicable supporting documents) no later than **60 days from the date of this letter**. It is important that you carefully review the information enclosed with this letter and follow the instructions if you intend to appeal your award. Additional instructions on the appeals process can be found on the VCF website under "Frequently Asked Questions" and in the Policies and Procedures available under "Forms and Resources."

Once your complete Compensation Appeal Package is submitted, the VCF will review the information to confirm you have a valid appeal, and will notify you of the next steps specific to your appeal and the scheduling of your hearing.

- **Notifying the VCF of new Collateral Source Payments:** You must inform the VCF of any new collateral source payments you receive, or become entitled to receive, such as a change to your disability or survivor benefits, as this may change the amount of your award. If you notify the VCF within 90 days of learning of the new collateral source payment, your award will not be adjusted to reflect the new entitlement or payment. If you notify the VCF more than 90 days after learning of the new or revised entitlement or payment, the VCF may adjust your award to reflect the new payment as an offset, which may result in a lower award. If you need to notify the VCF of a new collateral source payment, please complete the "Collateral Offset Update Form" found under "Forms and Resources" on the [www.vcf.gov](http://www.vcf.gov) website.

Your award was calculated using our published regulations, and I believe it is fair and reasonable under the requirements of the VCF Permanent Authorization Act. As always, I emphasize that no amount of money can alleviate the losses suffered on September 11, 2001.

If you have any questions, please call our toll-free Helpline at 1-855-885-1555. Please have your claim number ready when you call: **VCF0108327**. For the hearing impaired, please call 1-



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855-885-1558 (TDD). If you are calling from outside the United States, please call 1-202-514-1100.

Sincerely,

Rupa Bhattacharyya  
Special Master  
September 11th Victim Compensation Fund

cc: WENDELL TONG



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## Award Detail

Claim Number: VCF0108327  
Decedent Name: RONALD WOLKEN

<b>PERSONAL INJURY CLAIM (Losses up to Date of Death)</b>	
<b>Lost Earnings and Benefits</b>	
Loss of Earnings including Benefits and Pension	\$0.00
Mitigating or Residual Earnings	\$0.00
<b>Total Lost Earnings and Benefits</b>	<b>\$0.00</b>
<b>Offsets Applicable to Lost Earnings and Benefits</b>	
Disability Pension	\$0.00
Social Security Disability Benefits	\$0.00
Workers Compensation Disability Benefits	\$0.00
Disability Insurance	\$0.00
Other Offsets related to Earnings	\$0.00
<b>Total Offsets Applicable to Lost Earnings</b>	<b>\$0.00</b>
<b>Total Lost Earnings and Benefits Awarded</b>	<b>\$0.00</b>
<b>Other Economic Losses</b>	
Medical Expense Loss	\$0.00
Replacement Services	\$0.00
<b>Total Other Economic Losses</b>	<b>\$0.00</b>
<b>Total Economic Loss</b>	<b>\$0.00</b>
<b>Total Non-Economic Loss</b>	<b>\$250,000.00</b>
<b>Subtotal Award for Personal Injury Claim</b>	<b>\$250,000.00</b>



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<b>DECEASED CLAIM (Losses from Date of Death)</b>	
<b>Loss of Earnings including Benefits and Pension</b>	
<b>Offsets Applicable to Lost Earnings and Benefits</b>	
Survivor Pension	
SSA Survivor Benefits	
Worker's Compensation Death Benefits	
Other Offsets related to Earnings	
<b>Total Offsets Applicable to Loss of Earnings and Benefits</b>	
<b>Total Lost Earnings and Benefits Awarded</b>	<b>\$0.00</b>
<b>Other Economic Losses</b>	
Replacement Services	\$35,747.00
Burial Costs	\$8,554.75
<b>Total Other Economic Losses</b>	<b>\$44,301.75</b>
<b>Total Economic Loss</b>	<b>\$44,301.75</b>
<b>Non-Economic Loss</b>	
Non-Economic Loss - Decedent	\$250,000.00
Non-Economic Loss - Spouse/Dependent(s)	\$100,000.00
<b>Total Non-Economic Loss</b>	<b>\$350,000.00</b>
<b>Additional Offsets</b>	
Social Security Death Benefits	(\$255.00)
Life Insurance	(\$10,000.68)
Other Offsets	(\$4,701.00)
<b>Total Additional Offsets</b>	<b>(\$14,956.68)</b>
<b>Subtotal Award for Deceased Claim</b>	<b>\$379,345.07</b>



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<b>Subtotal of Personal Injury and Deceased Claims</b>	\$629,345.07
PSOB Offset	\$0.00
Prior Lawsuit Settlement Offset	\$0.00
<b>TOTAL AWARD</b>	<b>\$629,345.07</b>

#### **Factors Underlying Economic Loss Calculation**

Annual Earnings Basis (without benefits)	
Percentage of Disability attributed to Eligible Conditions - applicable to Personal Injury losses	
Start Date of Loss of Earnings Due to Disability - applicable to Personal Injury losses	

#### **Eligible Conditions Considered in Award**

Chronic Rhinitis
Malignant Neoplasm Uns Part Uns Bronchus/lung

# Family Member Affidavits

Christine Hemminger

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

RAYMOND ALEXANDER, et al.,

----- X

**AFFIDAVIT OF CHRISTINE  
HEMMINGER**

Plaintiffs,

21-CV-03505 (GBD)(SN)

V.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

----- X

STATE OF NEW YORK )  
                       :  
COUNTY OF SUFFOLK )

CHRISTINE HEMMINGER, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at 189 Alicia Drive North Babylon, New York 11705.
2. I am currently 60 years old, having been born on August 8, 1963.
3. I am the daughter of Decedent, Ronald Wolken, upon whose death my claim is based, and submit this Affidavit in connection with the present motion for a default judgment and in support of my solatium claim.
4. My father passed away from lung cancer on March 4, 2017, at the age of 73. It was medically determined that this illness was causally connected to his exposure to the toxins resulting from the September 11, 2001, terrorist attacks at the World Trade Center.

5. Ronald Wolken was my father and the grandfather of my 3 children. He was such a giving, loving person, and taught me to work hard. He taught my kids things such as skiing and taught them how to play Gin. My father showed my kids how to work hard and help others.

6. 9/11 was horrifying, my dad was a retired iron worker and a retired fireman. My father went down to the towers to help look for people and spent weeks there, going every day.

7. It started with a persistent cough, and he was tired faster than normal. He and my stepmom kept the all the symptoms and testing he went through from me at least until he got the diagnosis of stage four lung cancer.

8. My dad has always been there for me, a safe, dependable, strong, loving person in my life. My father made sure to say I love you when you left him or hung up the phone with him. I watched this larger-than-life strong capable man, wither away as the cancer destroyed his body. He fought so bravely for 2 years.

My three children miss him every day, and I watch my stepmom try to live without him despite missing her partner. I know he did help and did some good down at the WTC during the aftermath, and I am so proud that he volunteered, but I am profoundly sad that it cost him his life. I will always miss him.

He wasn't here to help me buy my town house by checking out the HVAC system, because he would have been with me every step of the way offering his ideas and guidance. He never got to see my oldest daughter graduate college and law school, my middle daughter graduate college and begin teaching, and my son enter the Marine Reserves. All events that he would have been front and center for, he never got the chance to attend.

He was the glue that held the family together with my brother Cliff, my half-brother Kevin, and my stepsister Jean. Ronnie was the touchstone example of what a good man should be.



CHRISTINE HEMMINGER

Sworn before me this  
26<sup>th</sup> day of Sept, 2023  
Lisa Tomasulo  
Notary public

**LISA TOMASULO**  
Notary Public, State of New York  
01T06334371  
Certificate Filed in Suffolk County  
Commission Expires 12/14/2023

# Clifford Wolken

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

RAYMOND ALEXANDER, et al., ----- X

**AFFIDAVIT OF CLIFFORD  
WOLKEN**

Plaintiffs,

21-CV-03505 (GBD)(SN)

V.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

----- X

STATE OF FLORIDA )  
: SS  
COUNTY OF ST. LUCIE )

CLIFFORD WOLKEN, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at 2041 SW Kasim Terrace, Port St. Lucie, Florida 34953.
2. I am currently 60 years old, having been born on August 11, 1962.
3. I am the son of Decedent, Ronald Wolken, upon whose death my claim is based, and submit this Affidavit in connection with the present motion for a default judgment and in support of my solatium claim.
4. My father passed away from lung cancer on March 4, 2017, at the age of 73. It was medically determined that this illness was causally connected to his exposure to the toxins resulting from the September 11, 2001, terrorist attacks at the World Trade Center.

5. My father was only 19 years older than I. The closeness in age between us gave us opportunities to do many things together and we had much in common. He taught me all aspects of home repair and remodeling as we worked together restoring homes. He taught me structured ironworking, welding, steel erection and demolition, the value of a proud work ethic, and making a good name for myself by doing more than required. He taught me to scuba dive, become a competent sailor and snow skier. He was a diligent, hard worker all his life and very active. He was a “man’s man” and helped anyone in need.

6. My father retired from FDNY and could no longer do iron working due to his pacemaker prohibiting him from being around welding machines, etc. He volunteered with me at Ground Zero and gave directions and signals to a crane operator as I used a torch to cut and hook up steel to remove it, allowing firefighters to search for people beneath. He continued to volunteer without me as the days went on since I was on 24-hour recall with the FDNY on the fireboats. I do not remember how many days he volunteered there.

7. My father had gotten very weak and ill in 2015. I took my wife and children to New York from Florida, where we live, to have our last thanksgiving with him. In 2016 he bounced back regaining strength, but the cancer went to his liver and brain by 2017 and he got very ill. He couldn’t eat without vomiting and got very weak and lost his hair. I helped care for him the week before he passed, and he got so weak that I had to clean him after going to the bathroom. He had been able bodied all his life and it crushed him to be completely reliant on others. He was bedridden at the end and held on the last day with labored short breaths until my brother arrived from out of state. He passed as my brother spent the final 20 minutes with him.

8. My father was very fit and active for a 72-year-old before he became ill. He was

only 74 years old when he died. I miss him daily and get very emotional when I think about him. I feel a great loss as do my children.



CLIFFORD WOLKEN

Sworn before me this

25 day of July, 2023

M. Neuman  
Notary public

